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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,323	05/02/2005	Roland Kratzer	09086-00225-US	5291

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EXAMINER

LU, C CAIXIA

ART UNIT	PAPER NUMBER
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1713

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,323	Applicant(s) KRATZER, ROLAND	
	Examiner Caixia Lu	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kratzer et al. (WO 01/47635, its US family US 6,953,829 is referred to hereinafter for convenience).

Kratzer's Examples 1, 4, 7 and 10 demonstrate a propylene polymerization process in the presence of a catalyst prepared by (i) treating SiO₂ support (A) with N,N-dimethylbenzylamine (F), then (ii) contacting the treated support with the contacting product of trimethyl aluminum (C) and pentafluoroboronic acid (B) to provide a modified white support material, (iii) contact the modified support material with dimethylsilanediylbis(2-methyl-4-phenylindenyl)dimethylzirconium (D) and then trimethylaluminum (E) to provide a free-flowing catalyst powder; and (iv) conducting propylene polymerization in the presence of the catalyst and triisobutylaluminum (G) (the scavenger). It is noted that in Kratzer's working example, the trimethyl aluminum is added to the catalyst suspension media and then dried to provide a free-flowing catalyst powder, while in the instant amended claims, the organoaluminum compound is contacted with a dried contacting product of (A), (B), (C) and (D). That is, Kratzer's drying step is after the addition of the organometallic compound, triethylaluminum,

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rather than prior. However, removing the liquid reaction media either by drying or filtration of a supported metallocene catalyst suspension is a common practice in the art in order to remove any undesired chemicals which might lower the activity of the catalyst during the polymerization and such step can be conducted either prior or after the addition of the organoaluminum compound. One of ordinary skilled in the art would have be motivated to drying the activated catalyst solid prior the addition of the organoaluminum compound for economical reasons because the organoaluminum is desired in the polymerization system as the scavenger to prevent the activated metallocene from be poisoned, and furthermore, addition of organoaluminum compound to the activated catalyst solid protects the catalyst solid from been deactivated immediately from the further handling of the catalyst.

Thus, it would have been obvious to a skilled artisan at the time the invention was made modify Kratzer's catalyst preparation process by drying out the liquid media of the activated catalyst suspension prior to the addition organoaluminum compound (III) in order to minimize the amount of organoaluminum compound required in polymerization process and protect the catalyst solid been deactivated and in the absence of any showing criticality and unexpected results.

Response to Arguments

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.



Caixia Lu, Ph. D.
Primary Examiner